

INTERNET  
FORM NLRB-001  
(7-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 14 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case

1-CA-46372

Date Filed

9/14/2010

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Harvard University

b. Tel. No.

617 496-9193

c. Cell No.

f. Fax No.

g. e-Mail

bill\_murphy@harvard.edu

h. Number of workers employed

more than 10,000

d. Address (Street, city, state, and ZIP code)

Suite 44805, 124 Mt. Auburn St,  
Cambridge MA 02138

e. Employer Representative

William Murphy

i. Type of Establishment (factory, mine, wholesaler, etc.)

University

j. Identify principal product or service

Education

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, 5

of the National Labor Relations Act, and these unfair labor

practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C) terms and conditions of employment were unilaterally changed by management, without bargaining with the union, and in retaliation for union activity. (b) (6), (b) (7)(C) has been informed (b) (6), (b) (7)(C) must meet a new accuracy standard of 95% or even 100%. (b) (6), (b) (7)(C) has been threatened with discipline and is being harassed in retaliation for union activity.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C) HUETW/AFSCME local 3650

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief

By (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Type name and title of office, if any)

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

9/13/10  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



**UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD**

Region 1 Boston, Massachusetts  
10 Causeway Street, 6th Floor  
Boston, MA 02222-1072  
(617) 565-6700

December 15, 2010

(b) (6), (b) (7)(C)

Harvard University Clerical Technical  
Workers/American Federation of State, County  
and Municipal Employees, Local 3650

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Re: Harvard University  
Case 1-CA-46372

Dear (b) (6), (b) (7)(C):

The Region has carefully considered the charge filed against Harvard University, alleging it violated the National Labor Relations Act. As explained below, I have decided that further proceedings on that charge should be handled in accordance with the Board's deferral policy.

**Deferral Policy:** The Board's deferral policy provides that this Agency withhold making a final determination on certain unfair labor practice charges when a grievance involving the same issue can be processed under the grievance/arbitration provisions of the applicable contract. *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This policy is based, in part, on the preference that the parties should resolve certain issues through their contractual grievance procedure in order to achieve a prompt, fair and effective settlement of their dispute. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Regional Office will defer the charge. However, this policy requires that a charge be dismissed if the charging party thereafter fails to promptly file and attempt to process a grievance on the subject matter of the charge.

**Decision to Defer:** Based on our investigation, I am deferring further proceedings on the charge to the grievance/arbitration process for the following reasons:

1. The Employer and the Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
2. The Employer is willing to process a grievance concerning the above allegations in the charge and will arbitrate the grievance if necessary. The Employer has also

agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.

3. Since the above allegations in the charge appear to be covered by certain provisions of the collective-bargaining agreement, it is likely that such allegations may be resolved through the grievance/arbitration procedure.

***Further Processing of the Charge:*** As explained below, while the charge is deferred, the Region will monitor the processing of the grievance and, under certain circumstances, will resume processing the charge.

***Charging Party's Obligation:*** Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly file or submit the grievance to the grievance/arbitration process, or declines to have the grievance arbitrated if it is not resolved, I will dismiss the charge.

***Charged Party's Conduct:*** If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

***Inquiries and Requests for Further Processing:*** Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and whether continued deferral is appropriate. Failure to respond to the Region's inquiries may result in dismissal of the charge. I will accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge, for continued deferral of the charge or for issuance of a complaint.

***Notice to Arbitrator Form:*** If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the award is sent to the parties.

***Review of Arbitrator's Award:*** If the grievance is arbitrated, the Charging Party may request that this office review the arbitrator's award. The request must be in writing and addressed to me. The request should discuss whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is clearly repugnant to the Act. Further guidance on the nature of this review is provided in *Spielberg Mfg. Co.*, 112 NLRB 1080 (1955), and *Olin Corp.*, 268 NLRB 573 (1984).

***Charging Party's Right to Appeal:*** The National Labor Relations Board Rules and Regulations permit the Charging Party to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, the Charging Party is encouraged to submit a complete statement setting forth the facts and reasons why the Charging Party believes that the decision to defer the charge was incorrect.

***Means of Filing:*** An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **E-GOV**, select **E-Filing**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the

General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14<sup>th</sup> Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

***Appeal Due Date and Time:*** The appeal is due on November 10, 2010. If you file the appeal electronically, it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the General Counsel in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than November 9, 2010 .

***Extension of Time to File Appeal:*** Upon good cause shown, the General Counsel may grant an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to [www.nlrb.gov](http://www.nlrb.gov), click on **E-Gov**, select **E-Filing**, and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before the original appeal due date**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

***Confidentiality/Privilege:*** Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Because we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(d), 5 U.S.C. § 552(b)(4), (6), (7)(C), and (7)(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

***Notice to Other Parties of the Appeal:*** The Charging Party should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,

/s/ Ronald S. Cohen

Ronald S. Cohen  
Acting Regional Director

Enclosures

See Attachment

cc:

Mr. John C. Dempsey  
Mr. Larry P. Weinberg, General Counsel  
American Federation of State, County and  
Municipal Employees, AFL-CIO  
1101 17th Street N.W. Suite 900  
Washington, DC 20036

Mr. William Murphy, Employer Representative  
Harvard University  
Suite 44805, 124 Mt. Auburn Street  
Cambridge, MA 02138

Elizabeth P. Seaman, Esq.  
Office of the General Counsel  
Harvard University  
Holyoke Center, Suite 980  
1350 Massachusetts Ave  
Cambridge, MA 02138

General Counsel, Office of Appeals  
National Labor Relations Board  
1099 -14th Street, N.W.  
Washington, D.C. 20570



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 1  
10 CAUSEWAY ST  
RM 601  
BOSTON, MA 02222-1072

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

July 21, 2011

ELIZABETH SEAMAN, ESQ.  
HARVARD UNIVERSITY  
HOLYOKE CENTER, SUITE 980  
1350 MASSACHUSETTS AVE  
CAMBRIDGE, MA 02138

Re: Harvard University  
Case 01-CA-046372

Dear Ms. Seaman:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,  
/s/ Rosemary Pye

Rosemary Pye  
Regional Director

RP/cjl

Cc: AS PER ATTACHMENT

ATTACHMENT

cc:

(b) (6), (b) (7)(C)

HARVARD UNIVERSITY CLERICAL  
TECHNICAL WORKERS/AMERICAN  
FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

JOHN C. DEMPSEY, ESQ.  
AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL  
EMPLOYEES, AFL-CIO  
1101 17TH ST NW STE 900  
WASHINGTON, DC 20036-4712

WILLIAM MURPHY  
HARVARD UNIVERSITY  
124 MOUNT AUBURN ST STE 44805,  
CAMBRIDGE, MA 02138-5813



FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET  
FORM NLRB-701  
(7-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case  
1-CA-46374Date Filed  
9/14/2010

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Harvard University

b. Tel. No.

617 496-9193

c. Cell No.

d. Address (Street, city, state, and ZIP code)

Suite 4480 S, 124 Mt. Auburn St.  
Cambridge MA 02138

e. Employer Representative

William Murphy

f. Fax No.

g. e-Mail

bill\_murphy@harvard.edu

h. Number of workers employed

more than 10,000

i. Type of Establishment (factory, mine, wholesaler, etc.)

University

j. Identify principal product or service

Education

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1)(B) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last six months, the employer has unilaterally imposed a confidentiality agreement without bargaining with the union. The confidentiality agreement is overbroad. Union members are required to assent to it, and it is chilling union members' rights to engage in protected activity.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C) HUETW / AFSCME local 3650

## 4a. Address (Street, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

(b) (6), (b) (7)(C)

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

9/13/10  
(date)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any Cell No.

Fax No.

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

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OPTIONAL  
FORM NO. 10-101  
(2008)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case  
1-CA-46374Date Filed  
12/26/10

## INSTRUCTIONS:

File an original with NLRB Regional Office or for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Harvard University

b. Tel. No.

617 496-9193

c. Cell No.

f. Fax No.

g. e-mail

bill\_murphy@harvard.edu

h. Number of workers employed

more than 10,000

d. Address (Street, city, state, and ZIP code)

Suite 44805, 124 Mt. Auburn St,  
Cambridge MA 02138

e. Employer Representative

William Murphy

i. Type of Establishment (factory, mine, wholesaler, etc.)

University

j. Identify principal product or service

Education

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsection) (5)

or the National Labor Relations Act, and these unfair labor

practices are practices affecting commerce within the meaning of the Act or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practice(s))

Within the last six months, the employer has unilaterally imposed a confidentiality agreement without bargaining with the union. The confidentiality agreement is overbroad. Union members are required to assent to it, and it is chilling union members' rights to engage in protected activity.

3. Full name of participating union (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C) HUETW / AFSCME local 3650

(b) (6), (b) (7)(C)

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have filed the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Tel. No.

617 803-4221

Office, if any, Cell No.

Fax No.

Address

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
FIRST REGION

In the Matter of

HARVARD UNIVERSITY

and

HARVARD UNION OF CLERICAL AND  
TECHNICAL WORKERS/AMERICAN FEDERATION  
OF STATE, COUNTY, AND MUNICIPAL  
EMPLOYEES, LOCAL 3650, AFL-CIO

CASE 1-CA-46374

COMPLAINT AND NOTICE OF HEARING

Harvard Union of Clerical and Technical Workers/American Federation of State, County, and Municipal Employees, Local 3650, AFL-CIO, herein called the Union, has charged that Harvard University, herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq., herein called the Act. Based thereon, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in this proceeding was filed by the Union on September 14, 2010, and a copy was served by regular mail on Respondent on September 15, 2010.

(b) The amended charge in this proceeding was filed by the Union on December 28, 2010, and a copy was served by regular mail on Respondent on December 28, 2010.

2. At all material times, Respondent, a corporation with an office and place of business in Cambridge, Massachusetts, herein called Respondent's Cambridge facility, has been engaged in the operation of a private nonprofit educational institution.

3. (a) During the calendar year ending December 31, 2009, Respondent, in conducting its business operations described above in paragraph 2, derived gross revenues, excluding contributions which, because of limitation by the grantor, are not available for operating expenses, in excess of \$1 million.

(b) During the calendar year ending December 31, 2009, Respondent, in conducting its business operations described above in paragraph 2, purchased and received at its Cambridge facility goods valued in excess of \$50,000 directly from points outside the Commonwealth of Massachusetts.

4. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. At all material times, (b) (6), (b) (7)(C) held the position of Respondent's (b) (6), (b) (7)(C) and has been a (b) (6), (b) (7)(C) of Respondent within the meaning of Section 2(11) of the Act and (b) (6), (b) (7)(C) of Respondent within the meaning of Section 2(13) of the Act:

7. The following employees of Respondent, herein called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time clerical and technical (including service) employees (who work at least 17½ hours per week) who have been classified to be in grades 47U-55U, and who work in Massachusetts, excluding all other employees, all students of the University (on the student payroll), employees in the existing bargaining units, confidential employees, professional employees, managerial employees, casual employees, temporary employees hired for three months or less, part-time employees who work less than 17½ hours per week, employees on permanent leave, guards and supervisors as defined in the National Labor Relations Act, and those positions which are appropriately classified as exempt under the Fair Labor Standards Act.

8. Since about December 29, 1988, and at all material times, the Union has been the designated collective-bargaining representative of the Unit.

9. Since about December 29, 1988, and at all material times, the Union has been the exclusive collective-bargaining representative of the Unit, and the Union has been recognized as such representative by Respondent. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from July 1, 2010 to June 30, 2012.

10. At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

11. (a) On or about June 15, 2010, Respondent, issued the Harvard University Information Security University Confidentiality Agreement For Harvard Employees, containing the following rule:

Except as required by my Harvard employment duties, I shall not, either during my Harvard employment or thereafter, directly or indirectly use or disclose any Confidential Information without prior written consent of Harvard.

(b) Examples of Confidential Information are listed as including:

...salary information, employee benefits and other HR information, ...and information specifically designated as private or confidential.

12. The subjects set forth above in paragraph 11 relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective-bargaining.

13. Respondent engaged in the conduct described above in paragraph 11 without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct and the effects of this conduct.

14. By the conduct described above in paragraph 11, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

15. By the conduct described above in paragraphs 11, 12, and 13, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees within the meaning of Section 8(a)(5) and (1) of the Act.

16. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Complaint. The answer must be received by this office on or before **January 12, 2011**, or postmarked on or before **January 11, 2011**. Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's/Website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on the **E-Gov tab**, select **E-Filing**, and then follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the

transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to Motion for Default Judgment, that the allegations in the complaint are true.

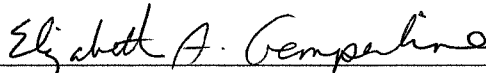
### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **February 23, 2011**, at **10:00 a.m.**, at the Thomas P. O'Neill Federal Building, 10 Causeway Street, 6th Floor, Boston, Massachusetts 02222-1072, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the



attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Boston, Massachusetts this 29<sup>th</sup>. December, 2010.



---

Elizabeth A. Gemperline, Acting Regional Director  
National Labor Relations Board  
First Region  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street, Sixth Floor  
Boston, Massachusetts 02222-1072

**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO  
SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

*(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)*

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8½ by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
FIRST REGION

In the Matter of

HARVARD UNIVERSITY

and

HARVARD UNION OF CLERICAL AND  
TECHNICAL WORKERS/AMERICAN FEDERATION  
OF STATE, COUNTY, AND MUNICIPAL  
EMPLOYEES, LOCAL 3650, AFL-CIO

CASE 1-CA-46374

ORDER DISMISSING COMPLAINT AND NOTICE OF HEARING  
AND APPROVING WITHDRAWAL OF CHARGE

On December 29, 2010, the Acting Regional Director of the National Labor Relations Board, First Region, issued a Complaint and Notice of Hearing in the above-captioned case.

On February 3, 2011, the Charging Party requested withdrawal of the charge on which the Complaint was based. On February 10, 2011, the Regional Director approved the withdrawal request.

Accordingly, the Complaint and any Answers filed in response are hereby dismissed and the Notice of Hearing is withdrawn.

Dated at Boston, Massachusetts, this 11<sup>th</sup> day of February, 2011.



Rosemary Pye, Regional Director  
National Labor Relations Board  
First Region  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street, Sixth Floor  
Boston, MA 02222-1072

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
FIRST REGION

In the Matter of

HARVARD UNIVERSITY

and

HARVARD UNION OF CLERICAL AND  
TECHNICAL WORKERS/AMERICAN  
FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES, LOCAL 3650, AFL-CIO

CASE 1-CA-46374

DATE OF MAILING: February 11, 2011

**AFFIDAVIT OF SERVICE OF copy of**

**ORDER DISMISSING COMPLAINT AND  
NOTICE OF HEARING AND APPROVING  
WITHDRAWAL OF CHARGE**

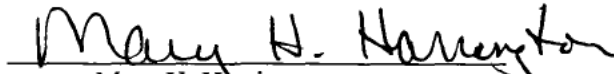
I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by post-paid mail upon the following persons, addressed to them at the following addresses:

Nicholas DiGiovanni, Jr. Esquire  
Morgan Brown & Joy, LLP  
200 State Street  
Boston, MA 02109-3125

(b) (6), (b) (7)(C)  
Harvard University Clerical Technicians  
Workers/American Federation of State, County and  
Municipal Employees,  
Local 3650

(b) (6), (b) (7)(C)

John C. Dempsey, General Counsel  
Larry P. Weinberg, Esquire  
American Federation of State, County and Municipal  
Employees, AFL-CIO  
1101 17th Street N.W. Suite 900  
Washington, DC 20036

  
Mary H. Harrington

Subscribed and sworn to before me this 11<sup>th</sup> day of  
February, 2011

DESIGNATED AGENT

  
Michelle D. Cassata

**NATIONAL LABOR RELATIONS BOARD**

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**  
**FIRST REGION**

\*\*\*\*\*

**In the Matter of**

\*

\*

**HARVARD UNIVERSITY**

\*

\*

**and**

\*

\*

**CASE NO. 1-CA-46374**

**HARVARD UNION OF CLERICAL and TECHNICAL**

\*

**WORKERS/AMERICAN FEDERATION OF STATE,**

\*

**COUNTY AND MUNICIPAL EMPLOYEES, LOCAL**

\*

**3650, AFL-CIO**

\*

\*

\*\*\*\*\*

**ANSWER TO COMPLAINT**

On or about December 29, 2010, Acting Regional Director for Region One of the National Labor Relations Board, Elizabeth A. Gemperline, issued a Complaint and Notice of Hearing in the above-captioned case. Now comes the Respondent, Harvard University and hereby files this Answer to the Complaint as follows:

1. The Respondent admits the allegations of Paragraph 1 of the Complaint.
2. The Respondent admits the allegations of Paragraph 2 of the Complaint.
3. The Respondent admits the allegations of Paragraph 3 of the Complaint.
4. The Respondent admits the allegations of Paragraph 4 of the Complaint.
5. The Respondent admits the allegations of Paragraph 5 of the Complaint.



6. The Respondent admits the allegations of Paragraph 6 of the Complaint. By way of further answer, the Respondent would note that (b) (6), (b) (7)(C) correct title is (b) (6), (b) (7)(C) .
7. The Respondent admits the allegations of Paragraph 7 of the Complaint.
8. The Respondent admits the allegations of Paragraph 8 of the Complaint.
9. The Respondent admits the allegations of Paragraph 9 of the Complaint.
10. The Respondent admits the allegations of Paragraph 10 of the Complaint.
11. The Respondent denies the allegations of Paragraph 11 of the Complaint. By way of further answer, the Respondent would submit that policies limiting the use of confidential information, including a definition of “confidential information,” have been in place for many years, and while the particular “confidentiality agreement” referred to in the Complaint was implemented in and about May and June 2010, similar confidentiality agreements have been in place in many units throughout the University for many years.
12. The Respondent denies the allegations of Paragraph 12 of the Complaint.
13. The Respondent denies the allegations of Paragraph 13 of the Complaint.
14. The Respondent denies the allegations of Paragraph 14 of the Complaint.
15. The Respondent denies the allegations of Paragraph 15 of the Complaint.
16. The Respondent denies the allegations of Paragraph 16 of the Complaint.

### AFFIRMATIVE DEFENSES

1. The allegations of the Complaint are barred by the statute of limitations provisions of Section 10 (b) of the Act.
2. The University was not required to bargain the Enterprise Information Security Policy (EISP) or the related Confidentiality Agreement with the Union, as the Union has waived its right to bargain over the issuance of such policies through the language of the collective bargaining agreement.
3. Even if the University was required to bargain over the EISP, the Union waived its right to bargain since it was notified of the EISP and its implementation, given an opportunity to bargain, but never requested bargaining.

Respectfully submitted,

HARVARD UNIVERSITY

By



Nicholas DiGiovanni, Jr.  
Morgan, Brown & Joy  
200 State Street  
Boston, MA 02109  
(617)788-5004  
[ndigiovanni@morganbrown.com](mailto:ndigiovanni@morganbrown.com)

January 11, 2011

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**  
**FIRST REGION**

\*\*\*\*\*

**In the Matter of**

**HARVARD UNIVERSITY**

**and**

**HARVARD UNION OF CLERICAL and TECHNICAL  
WORKERS/AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES, LOCAL  
3650, AFL-CIO**

**CASE NO. 1-CA-46374**

\*\*\*\*\*

**RESPONDENT'S MOTION TO RESCHEDULE HEARING**

A hearing in the above-captioned case has been scheduled for February 23, 2011. Now comes the Respondent Harvard University and respectfully moves to reschedule the hearing for good cause, in accordance with Board Rule 102.16, as follows:

1. Counsel has just recently been assigned to this matter and has had no prior dealings with the Region during the investigation stage.
2. Counsel and his family will be in Florida on a previously scheduled vacation the week of February 21, 2011 and will not return to Boston until February 28. Flight tickets have already been purchased for this trip and, as it is school vacation week, the trip cannot be rescheduled.

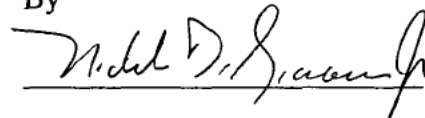
3. Counsel would suggest alternative dates in March on any date *except for* March 7, 14, March 21-25, March 28. If the matter is rescheduled into April, any date would be acceptable *except for* April 6 or 7, April 12, April 25, 26, 27, 28 or 29. .

4. The Respondent attempted to ascertain the position of the charging party a week ago. (b) (6), (b) (7)(C) indicated (b) (6), (b) (7)(C) would get back to counsel with (b) (6), (b) (7)(C) position. However, as of this filing, counsel for the University has not heard back from (b) (6), (b) (7)(C).

Respectfully submitted,

HARVARD UNIVERSITY

By



Nicholas DiGiovanni, Jr.  
Morgan, Brown & Joy  
200 State Street  
Boston, MA 02109  
(617)788-5004  
[ndigiovanni@morganbrown.com](mailto:ndigiovanni@morganbrown.com)

January 13, 2011

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

## DO NOT WRITE IN THIS SPACE

Case

01-CA-095235

Date Filed

Dec. 17, 2012

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Harvard University		b. Tel. No. 617 496-8193
d. Address (Street, city, state, and ZIP code) Massachusetts Hall, Cambridge MA 02138		c. Cell No.
e. Employer Representative William J. Murphy		f. Fax No.
		g. e-Mail bill_murphy@harvard.edu
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) University	j. Identify principal product or service Education	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (11st subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about December 3, 2012, the above employer refused to provide the union with information that is necessary and relevant to the union's processing of the grievance of (b) (6), (b) (7)(C), who has been terminated.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C), Harvard Union of Clerical and Technical Workers / AFSCME Local 3650

## 4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No. (b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

American Federation of State, County and Municipal Employees

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Charge)

(Print/type name and title or office, if any)

Address (b) (6), (b) (7)(C)

12/17/12  
(date)

Tel. No. (b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

December 26, 2012

WILLIAM J. MURPHY  
HARVARD UNIVERSITY  
OFFICE OF LABOR AND EMPLOYEE RELATIONS  
124 MOUNT AUBURN STREET, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138

Re: Harvard University  
Case 01-CA-095235

Dear Mr. Murphy:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Lisa Fierce whose telephone number is (617) 565-6743. If this Board agent is not available, you may contact Deputy Regional Attorney Robert Redbord whose telephone number is (617) 565-6748.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board



agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Jonathan B. Kreisberg  
Regional Director

JBK/ln

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: see next page

Harvard University  
Case 01-CA-095235

- 3 - December 26, 2012

cc: ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE  
GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Harvard University

CASE NUMBER

01-CA-095235

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$

YES

NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**HARVARD UNIVERSITY**

Charged Party

and

**HARVARD UNIVERSITY CLERICAL TECHNICAL  
WORKERS/AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 3650**

Charging Party

**Case 01-CA-095235**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on December 26, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

WILLIAM J. MURPHY  
HARVARD UNIVERSITY  
OFFICE OF LABOR AND EMPLOYEE RELATIONS  
124 MOUNT AUBURN STREET, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE  
GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846

December 26, 2012

Date

Lily Nguyen, Designated Agent of NLRB

Name

/s/ Lily Nguyen

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

December 26, 2012

(b) (6), (b) (7)(C)

HARVARD UNIVERSITY CLERICAL TECHNICAL  
WORKERS/AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 3650

(b) (6), (b) (7)(C)

Re: Harvard University  
Case 01-CA-095235

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on December 17, 2012 has been docketed as case number 01-CA-095235. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge will be investigated by Field Attorney Lisa Fierce whose telephone number is (617) 565-6743. If the Board agent is not available, you may contact Deputy Regional Attorney Robert Redbord whose telephone number is (617) 565-6748.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlrb.gov](http://www.nlrb.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlrb.gov](http://www.nlrb.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Jonathan B. Kreisberg  
Regional Director

JBK/ln

cc: JOHN C. DEMPSEY, GENERAL COUNSEL  
AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL  
EMPLOYEES (AFSCME), AFL-CIO  
1101 17TH ST., N.W., SUITE 900  
WASHINGTON, DC 20036-4712

JANE M. CARTER,  
ASSISTANT DIRECTOR OF ORGANIZING AND FIELD SERVICES  
AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL  
EMPLOYEES (AFSCME), AFL-CIO  
1625 L STREET, N.W.  
WASHINGTON, DC 20036-5665



INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
Amended **CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
01-CA-095235Date Filed  
January 3, 2013**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Harvard University		b. Tel. No. 617-496-9193
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) Massachusetts Hall Cambridge, MA 02138	e. Employer Representative William J. Murphy Director of Labor and Employees Relations	
	g. e-Mail bill_murphy@harvard.edu	
	h. Number of workers employed over 10,000	
i. Type of Establishment (factory, mine, wholesaler, etc.) university	j. Identify principal product or service education	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

About August 2, 2012, the above-named Employer threatened to take adverse action against employee (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) availed (b) (6), (b) (7)(C) of the negotiated grievance process.

About December 3, 2012, the above-named Employer refused to provide the Union with information that is necessary and relevant to the Union's processing of a grievance over the termination of employee (b) (6), (b) (7)(C).

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

Harvard Union of Clerical and Technical Workers/AFSCME Local 3650

4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

American Federation of State, County and Municipal Employees

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C)
(s) (b) (6), (b) (7)(C)	(Print/type name and title or office, if any)	Office, if any, Cell No.
		Fax No.
Address (b) (6), (b) (7)(C)	1/3/13 (date)	e-Mail (b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

January 3, 2013

WILLIAM J. MURPHY  
HARVARD UNIVERSITY  
OFFICE OF LABOR AND EMPLOYEE RELATIONS  
124 MOUNT AUBURN STREET, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138

Re: HARVARD UNIVERSITY  
Case 01-CA-095235

Dear Mr. MURPHY:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney LISA FIERCE whose telephone number is (617) 565-6743. If the agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617) 565-6748.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

JONATHAN B. KREISBERG  
Regional Director

Enclosure: Copy of first amended charge

cc: ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY  
HARVARD UNIVERSITY  
OFFICE OF THE GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**HARVARD UNIVERSITY**

Charged Party

and

**HARVARD UNIVERSITY CLERICAL  
TECHNICAL WORKERS/AMERICAN  
FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES, LOCAL 3650**

Charging Party

**Case 01-CA-095235**

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on January 3, 2013, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

WILLIAM J. MURPHY  
HARVARD UNIVERSITY  
OFFICE OF LABOR AND EMPLOYEE RELATIONS  
124 MOUNT AUBURN STREET, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846

January 3, 2013

Date

Mary H. Harrington  
Designated Agent of NLRB

Name

/s/ *Mary H. Harrington*

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

January 3, 2013

(b) (6), (b) (7)(C)  
HARVARD UNIVERSITY CLERICAL  
TECHNICAL WORKERS/AFSCME, LOCAL 3650  
(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY  
Case 01-CA-095235

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney LISA FIERCE whose telephone number is (617) 565-6743. If the agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617)565-6748.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

JONATHAN B. KREISBERG  
Regional Director

cc: JOHN C. DEMPSEY, GENERAL COUNSEL  
AFSCME, AFL-CIO  
1101 17TH ST., N.W., SUITE 900  
WASHINGTON, DC 20036-4712

JANE M. CARTER, ASST DIRECTOR  
ORGANIZING & FIELD SERVICES  
AFSCME, AFL-CIO  
1625 L STREET, N.W.  
WASHINGTON, DC 20036-5665

INTERNET  
FORM NLRB-501  
(2-00)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
Second Amended **CHARGE AGAINST EMPLOYER**

FORM EXEMPT UNDER 44 U.S.C. 3512

**DO NOT WRITE IN THIS SPACE**Case  
01-CA-095235Date Filed  
March 19, 2013**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer

Harvard University

b. Tel. No. 617-496-9193

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

Massachusetts Hall  
Cambridge, MA 02138

e. Employer Representative

William J. Murphy  
Director of Labor and Employee  
Relations

g. e-Mail

bill\_murphy@harvard.edu

h. Number of workers employed  
over 10,000i. Type of Establishment (factory, mine, wholesaler, etc.)  
universityj. Identify principal product or service  
education

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Within the last six months, the above-named Employer has failed to provide certain information and delayed in providing certain information requested by the Union on November 20, 2012, which was necessary and relevant to its processing of a grievance over the termination of employee (b) (6), (b) (7)(C).

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

Harvard Union of Clerical and Technical Workers/AFSCME Local 3650

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

4c. Cell No. (b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Federation of State, County and Municipal Employees

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(b) (6), (b) (7)(C)

(s)

(b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Address

(b) (6), (b) (7)(C)

3/19/13  
(date)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

(b) (6), (b) (7)(C)

Fax No.

e-Mail

(b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

March 21, 2013

WILLIAM J. MURPHY  
HARVARD UNIVERSITY  
OFFICE OF LABOR AND EMPLOYEE RELATIONS  
124 MOUNT AUBURN STREET, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138

Re: Harvard University  
Case 01-CA-095235

Dear Mr. Murphy:

Enclosed is a copy of the second amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Lisa Fierce whose telephone number is (617) 565-6743. If the agent is not available, you may contact Deputy Regional Attorney Robert Redbord whose telephone number is (617) 565-6748.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Jonathan B. Kreisberg  
Regional Director

JBK/ln

Enclosure: Copy of second amended charge

cc: ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**HARVARD UNIVERSITY**

Charged Party

and

**HARVARD UNION OF CLERICAL AND TECHNICAL  
WORKERS/ AFSCME, LOCAL 3650, AFL-CIO**

Charging Party

**Case 01-CA-095235**

**AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on March 21, 2013, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

WILLIAM J. MURPHY  
HARVARD UNIVERSITY  
OFFICE OF LABOR AND EMPLOYEE RELATIONS  
124 MOUNT AUBURN STREET, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE GENERAL  
COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846

March 21, 2013

Date

Lily Nguyen, Designated Agent of NLRB

Name

/s/ Lily Nguyen

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

March 21, 2013

(b) (6), (b) (7)(C)

HARVARD UNION OF CLERICAL AND TECHNICAL  
WORKERS/ AFSCME, LOCAL 3650, AFL-CIO

(b) (6), (b) (7)(C)

Re: Harvard University  
Case 01-CA-095235

Dear (b) (6), (b) (7)(C):

We have docketed the second amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Lisa Fierce whose telephone number is (617) 565-6743. If the agent is not available, you may contact Deputy Regional Attorney Robert Redbord whose telephone number is (617) 565-6748.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan B. Kreisberg", is written over a light blue horizontal line.

Jonathan B. Kreisberg  
Regional Director

JBK/ln

cc: JOHN C. DEMPSEY, GENERAL COUNSEL  
AMERICAN FEDERATION OF STATE, COUNTY &  
MUNICIPAL EMPLOYEES, AFL-CIO  
1101 17TH ST., N.W., SUITE 900  
WASHINGTON, DC 20036-4712



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 01**

**HARVARD UNIVERSITY**

**and**

**HARVARD UNION OF CLERICAL AND  
TECHNICAL WORKERS, A/W AMERICAN  
FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES, AFL-CIO**

**Case 01-CA-095235**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by Harvard Union of Clerical and Technical Workers, a/w American Federation of State, County and Municipal Employees, AFL-CIO (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board), and alleges that Harvard University (Respondent) has violated the Act as described below:

1. (a) The charge in this proceeding was filed by the Union on December 17, 2012, and a copy was served by regular mail on Respondent on December 26, 2012.  
(b) The first amended charge in this proceeding was filed by the Union on January 3, 2013, and a copy was served by regular mail on Respondent on January 3, 2013.  
(c) The second amended charge in this proceeding was filed by the Union on March 19, 2013, and a copy was served by regular mail on Respondent on March 21, 2013.
2. At all material times, Respondent, with a location in Cambridge, Massachusetts (Respondent's facility), has been engaged in the business of operating a university.
3. (a) Annually, Respondent derives gross revenues available for operating expenses in excess of \$1 million.

(b) Annually, Respondent purchases and receives at its Cambridge, Massachusetts facility goods valued in excess of \$5,000 directly from points outside the Commonwealth of Massachusetts.

4. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	----	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	----	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	----	(b) (6), (b) (7)(C)

7. The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time clerical and technical (including service) employees (who work at least 17 ½ hours per week) who have been classified to be in grades 47U-56U. and who work in Massachusetts, excluding all other employees, all students of the University (on the student payroll), employees in the existing bargaining units, confidential employees, professional employees, managerial employees, casual employees, temporary employees hired for three months or less, part-time employees who work less than 17 ½ hours per week, employees on permanent leave, guards and supervisors as defined in the National Labor Relations Act, and those positions which are appropriately classified as exempt under the Fair Labor Standards Act.

8. On November 10, 1988, as amended on December 29, 1988, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

9. At all times since November 10, 1988, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

10. Since November 20, 2012, by email to (b) (6), (b) (7)(C), the Union has requested that Respondent furnish the Union with the following information:

a) Please provide a list of each bargaining-unit and non-bargaining-unit employee, including supervisors and managers, known to have viewed adult websites at work over the past five years, including persons no longer working for the employer. Please provide a list of each bargaining-unit and non-bargaining-unit employee, known to have downloaded sexually explicit videos at work over the past five years, including persons no longer working for the employer. Please provide a list of each bargaining unit and non-bargaining-unit employee known to have violated Harvard's incidental use policy over the past five years, including persons no longer working for the employer.

b) Please provide a copy of the personnel file of each such employee, including supervisors and managers, so that the union can learn if there was a distinction in treatment.

c) Please provide any and all correspondence regarding (named employee's) case sent or received by yourself, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C). Please note this request encompasses documents, letters, notes, emails, texts and voicemails. The union needs this correspondence to learn whether there has been any distinction in treatment between (named employee) and other employees, and to determine whether to process (named employee's) grievance.

d) Please provide the personnel files of the following comparable employees: (two named employees). The union needs these files to determine whether disparate treatment was measured out to (named employee).

11. The information requested by the Union as described above in paragraph 10 is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

12. (a) Since about November 20, 2012, Respondent has failed and refused to furnish the Union with the information requested by it as described above in subparagraphs 10(a) through 10(c).

(b) From about November 20, 2012 to about February 4, 2013, Respondent unreasonably delayed in furnishing the Union with the information it requested as described above in subparagraph 10(d).

13. By the conduct described above in paragraph 12, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Sections 8(a)(1) and (5) of the Act.

14. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before April 12, 2013, or postmarked on or before April 11, 2013.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **May 21, 2013, at 10:00 a.m.**, at the **Thomas P. O'Neill Jr. Federal Building, 10 Causeway Street, 6<sup>th</sup> Floor, Boston, Massachusetts 02222-1001**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this (consolidated) complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: March 29, 2013



---

Jonathan B. Kreisberg  
Regional Director  
National Labor Relations Board  
Region 01  
10 Causeway St  
6th Floor  
Boston, MA 02222-1001

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 01**

**HARVARD UNIVERSITY**

**and**

**HARVARD UNION OF CLERICAL AND  
TECHNICAL WORKERS/ AFSCME, LOCAL  
3650, AFL-CIO**

**Case 01-CA-095235**

**AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **March 29, 2013**, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

WILLIAM J. MURPHY  
HARVARD UNIVERSITY  
OFFICE OF LABOR AND EMPLOYEE  
RELATIONS  
124 MOUNT AUBURN ST, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138  
**CERTIFIED MAIL**  
**7009 0080 0002 1697 0797**

(b) (6), (b) (7)(C)  
HARVARD UNION OF CLERICAL AND  
TECHNICAL WORKERS/ AFSCME, LOCAL  
3650, AFL-CIO  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
**CERTIFIED MAIL**  
**7009 0080 0002 1697 0803**

ELIZABETH P. SEAMAN, UNIVERSITY  
ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE  
GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846  
**REGULAR MAIL**

JOHN C. DEMPSEY, GENERAL COUNSEL  
AMERICAN FEDERATION OF STATE,  
COUNTY & MUNICIPAL EMPLOYEES,  
AFL-CIO  
1101 17TH ST., N.W., SUITE 900  
WASHINGTON, DC 20036-4712  
**REGULAR MAIL**

March 29, 2013  
\_\_\_\_\_  
Date

Mary H. Harrington  
Designated Agent of NLRB  
\_\_\_\_\_  
Name

*Mary H. Harrington*  
\_\_\_\_\_  
Signature

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 01-CA-095235

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

WILLIAM J. MURPHY  
HARVARD UNIVERSITY  
OFFICE OF LABOR AND EMPLOYEE  
RELATIONS  
124 MOUNT AUBURN ST, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138  
**CERTIFIED MAIL**  
**7009 0080 0002 1697 0797**

(b) (6), (b) (7)(C)  
HARVARD UNION OF CLERICAL AND  
TECHNICAL WORKERS/ AFSCME, LOCAL  
3650, AFL-CIO  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
**CERTIFIED MAIL**  
**7009 0080 0002 1697 0803**

ELIZABETH P. SEAMAN, UNIVERSITY  
ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE  
GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846  
**REGULAR MAIL**

JOHN C. DEMPSEY, GENERAL COUNSEL  
AMERICAN FEDERATION OF STATE,  
COUNTY & MUNICIPAL EMPLOYEES,  
AFL-CIO  
1101 17TH ST., N.W., SUITE 900  
WASHINGTON, DC 20036-4712  
**REGULAR MAIL**

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 01**

**HARVARD UNIVERSITY**

**and**

**HARVARD UNION OF CLERICAL AND  
TECHNICAL WORKERS, A/W AMERICAN  
FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES, AFL-CIO**

**Case 01-CA-095235**

**ORDER APPROVING WITHDRAWAL OF CHARGE AND COMPLAINT**

A Complaint and Notice of Hearing issued in this case on March 29, 2013. The Charging Party has requested withdrawal of the charge based upon a non-Board settlement with Respondent. Accordingly, the request to withdraw the charge is approved, and the Complaint and Notice of Hearing is withdrawn.

Dated: April 29, 2013

---

JONATHAN B. KREISBERG  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 01**

**HARVARD UNIVERSITY**

**and**

**HARVARD UNION OF CLERICAL AND  
TECHNICAL WORKERS/ AFSCME, LOCAL  
3650, AFL-CIO**

**Case 01-CA-095235**

**AFFIDAVIT OF SERVICE OF: Order Approving Withdrawal of Charge and Complaint**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **April 29, 2013**, I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

WILLIAM J. MURPHY, DIRECTOR  
OFFICE OF LABOR AND EMPLOYEE  
RELATIONS  
HARVARD UNIVERSITY  
124 MOUNT AUBURN ST, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138

(b) (6), (b) (7)(C)  
HARVARD UNION OF CLERICAL AND  
TECHNICAL WORKERS/ AFSCME, LOCAL  
3650, AFL-CIO  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

ELIZABETH P. SEAMAN, UNIVERSITY  
ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE  
GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846

JOHN C. DEMPSEY, GENERAL COUNSEL  
AMERICAN FEDERATION OF STATE,  
COUNTY & MUNICIPAL EMPLOYEES,  
AFL-CIO  
1101 17TH ST., N.W., SUITE 900  
WASHINGTON, DC 20036-4712

April 29, 2013

Date

Mary H. Harrington  
Designated Agent of NLRB

Name

Mary H. Harrington

Signature

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE	
Case 01-CB-096832	Date Filed 1-22-13

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name SEIU, Local 615	b. Union Representative to contact Leo Gertner
c. Address (Street, city, state, and ZIP code) 26 West Street, 3d Floor Boston, MA 02111-1207	d. Tel. No. (617) 523-6150 e. Cell No. f. Fax No. (617) 742-4896 g. e-Mail seiu615.org
h. The above-named organization(s) or its agent(s) has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since September 2013 the above-named labor organization has failed and refused to adequately represent (b) (6), (b) (7)(C) in an action against (b) (6), (b) (7)(C) Employer, by failing to file and/or process a grievance relating to (b) (6), (b) (7)(C) termination.

3. Name of Employer Harvard University	4a. Tel. No. (617) 495-7847 b. Cell No. c. Fax No. d. e-Mail
---	--

5. Location of plant involved (street, city, state and ZIP code) 1350 Mass. Avenue, Cambridge, MA 02138	6. Employer representative to contact Jason Luke
--	---

7. Type of establishment (factory, mine, wholesaler, etc.) College	8. Identify principal product or service College	9. Number of workers employed
---	---	-------------------------------

10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C) b. Cell No. c. Fax No. (b) (6), (b) (7)(C)
---	--

11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)
--

I declare that the above statements are true to the best of my knowledge and belief. By (b) (6), (b) (7)(C) Charge (Print/type name and title or office, if any) (b) (6), (b) (7)(C) Address (b) (6), (b) (7)(C) 1/22/13	DECLARATION Statements therein are true to the best of my knowledge and belief An Individual Charge (Print/type name and title or office, if any) (b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. 1/22/13 (b) (6), (b) (7)(C)
--	---	--

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617) 565-6700  
Fax: (617) 565-6725

January 23, 2013

LEO GERTNER, DEPUTY DIRECTOR  
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 615  
26 WEST ST, 3RD FLOOR  
BOSTON, MA 02111-1207

Re: Service Employees International Union  
(Harvard University)  
Case 01-CB-096832

Dear Mr. Gertner:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney LISA FIERCE whose telephone number is (617) 565-6743. If this Board agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617) 565-6748.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

January 23, 2013

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JONATHAN B. KREISBERG  
Regional Director

Enclosure: Copy of Charge

cc: JUDITH A. SCOTT  
GENERAL COUNSEL  
SERVICE EMPLOYEES  
INTERNATIONAL UNION  
1800 MASSACHUSETTS AVE, N.W.  
WASHINGTON, DC 20036-1806

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 615**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 01-CB-096832**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 23, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

LEO GERTNER, DEPUTY DIRECTOR  
SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 615  
26 WEST ST, 3RD FLOOR  
BOSTON, MA 02111-1207

JUDITH A. SCOTT, GENERAL COUNSEL  
SERVICE EMPLOYEES  
INTERNATIONAL UNION  
1800 MASSACHUSETTS AVE., N.W.  
WASHINGTON, DC 20036-1806

January 23, 2013

Date

Fatima Powell  
Designated Agent of NLRB

Name

/s/ Fatima Powell

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (617) 565-6700  
Fax: (617) 565-6725

January 23, 2013

(b) (6), (b) (7)(C)

Re: Service Employees International Union  
(Harvard University)  
Case 01-CB-096832

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on January 22, 2013 has been docketed as case number 01-CB-096832. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge will be investigated by Field Attorney LISA FIERCE whose telephone number is (617) 565-6743. If the Board agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617) 565-6748.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

January 23, 2013

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg", written in a cursive style.

JONATHAN B. KREISBERG  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617) 565-6700  
Fax: (617) 565-6725

January 23, 2013

JASON LUKE  
1350 MASSACHUSETTS AVE  
CAMBRIDGE, MA 02138-3846

Re: Service Employees International Union  
(Harvard University)  
Case 01-CB-096832

Dear Mr. Luke:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge will be investigated by Field Attorney LISA FIERCE whose telephone number is (617) 565-6743. If this Board agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617) 565-6748.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.



January 23, 2013

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlrb.gov](http://www.nlrb.gov). However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures*, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JONATHAN B. KREISBERG  
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

cc: ELIZABETH P. SEAMAN, UNIVERSITY  
ATTORNEY  
HARVARD UNIVERSITY  
OFFICE OF THE GENERAL COUNSEL  
1350 MASSACHUSETTS AVE,  
SUITE 980  
CAMBRIDGE, MA 02138-3846

WILLIAM J. MURPHY  
HARVARD UNIVERSITY  
OFFICE OF LABOR AND  
EMPLOYEE RELATIONS  
124 MOUNT AUBURN STREET, SUITE  
480 SOUTH  
CAMBRIDGE, MA 02138

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

**CASE NAME**

Service Employees International Union (Harvard University)

**CASE NUMBER**

01-CB-096832

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

01-CA-096831

Date Filed

1/22/2013

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Harvard University

b. Tel. No.

(617) 495-7847

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

1350 Mass. Avenue  
Cambridge, MA 02138

e. Employer Representative

Jason Luke

g. e-mail

h. Number of workers employed

1000+

i. Type of Establishment (factory, mine, wholesaler, etc.)

College

j. Identify principal product or service

College

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Organization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about September 2012, the above-named Employer has discriminated against (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) going to the Union to enforce (b) (6), (b) (7) right to overtime.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

(b) (6), (b) (7)(C) ON  
ge and that the statements  
ledge and belief

(b) (6), (b) (7)(C)

An Individual

(signature of repr) (b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Tel.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-mail

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

Date

Jan. 22, 2013

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website:  
[www.nlr.gov](http://www.nlr.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

January 23, 2013

JASON LUKE  
HARVARD UNIVERSITY  
1350 MASSACHUSETTS AVE  
CAMBRIDGE, MA 02138-3846

Re: HARVARD UNIVERSITY  
Case 01-CA-096831

Dear Mr. LUKE:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney LISA FIERCE whose telephone number is (617) 565-6743. If this Board agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617) 565-6748.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

January 23, 2013

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JONATHAN B. KREISBERG  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: ELIZABETH P. SEAMAN  
UNIVERSITY ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF  
THE GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846

WILLIAM F. MURPHY, DIRECTOR  
HARVARD UNIVERSITY, LABOR AND  
EMPLOYEE RELATIONS  
124 MOUNT AUBURN ST.  
SUITE 480 SOUTH  
CAMBRIDGE, MA 02138-5813

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

HARVARD UNIVERSITY

CASE NUMBER

01-CA-096831

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$

YES

NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**HARVARD UNIVERSITY**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 01-CA-096831**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 23, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

JASON LUKE  
HARVARD UNIVERSITY  
1350 MASSACHUSETTS AVE  
CAMBRIDGE, MA 02138-3846

ELIZABETH P. SEAMAN  
UNIVERSITY ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF  
THE GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846

WILLIAM F. MURPHY, DIRECTOR  
HARVARD UNIVERSITY, LABOR AND  
EMPLOYEE RELATIONS  
124 MOUNT AUBURN ST.  
SUITE 480 SOUTH  
CAMBRIDGE, MA 02138-5813

January 23, 2013

Date

Joan Collins, Designated Agent of NLRB

Name

/s/ Joan Collins Signature





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

January 23, 2013

(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY  
Case 01-CA-096831

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on January 22, 2013 has been docketed as case number 01-CA-096831. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge will be investigated by Field Attorney LISA FIERCE whose telephone number is (617) 565-6743. If the Board agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617) 565-6748.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.



**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg", written in a cursive style.

JONATHAN B. KREISBERG  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 01  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

March 13, 2013

(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY  
Case 01-CA-096831

SERVICE EMPLOYEES  
INTERNATIONAL UNION  
(Harvard University)  
Case 01-CB-096832

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charges that HARVARD UNIVERSITY and SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 615 have violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

With regard to Case No. 01-CA-096831, the investigation failed to establish that you were terminated because of your union or other protected concerted activities. To the contrary, the investigation established that you were terminated for valid work reasons.

With regard to Case No. 01-CB-096832, the investigation disclosed no evidence to establish that the Union failed or refused to process your termination grievance or otherwise failed to represent you for any arbitrary or discriminatory reasons. To the contrary, the investigation established that the Union processed a grievance on your behalf concerning your termination, and decided not to process that grievance to arbitration based on its good faith belief that it could not prevail in arbitration.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlr.gov](http://www.nlr.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charges was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an

appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on **March 27, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than March 26, 2013.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before March 27, 2013**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Jonathan B. Kreisberg

Jonathan B. Kreisberg  
Regional Director

JBK:cds

Enclosure

cc GENERAL COUNSEL  
OFFICE OF APPEALS  
FRANKLIN COURT BUILDING  
NATIONAL LABOR RELATIONS BOARD  
1099 14<sup>TH</sup> STREET, NW  
WASHINGTON, DC 20570

JASON LUKE  
HARVARD UNIVERSITY  
1350 MASSACHUSETTS AVE  
CAMBRIDGE, MA 02138-3846

ELIZABETH P. SEAMAN, UNIVERSITY  
ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE  
GENERAL COUNSEL  
1350 MASSACHUSETTS AVE., SUITE 980  
CAMBRIDGE, MA 02138-3846

LEO GERTNER, DEPUTY DIRECTOR  
SERVICE EMPLOYEES INTERNATIONAL UNION,  
LOCAL 615  
26 WEST ST., 3RD FLOOR  
BOSTON, MA 02111-1207

JUDITH A. SCOTT, GENERAL COUNSEL  
SERVICE EMPLOYEES INTERNATIONAL UNION  
1800 MASSACHUSETTS AVE., N.W.  
WASHINGTON, DC 20036-1806

INGRID NAVA, GENERAL COUNSEL  
SERVICE EMPLOYEES INTERNATIONAL UNION,  
LOCAL 615  
26 WEST STREET, 3RD FL.  
BOSTON, MA 02111-1207

WILLIAM J. MURPHY  
HARVARD UNIVERSITY  
OFFICE OF LABOR AND EMPLOYEE RELATIONS  
124 MOUNT AUBURN STREET, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
Room 8820, 1099 - 14th Street, N.W.  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

---

*(Signature)*

FORM NLRB-501  
(2-18)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
01-CA-223110	7/2/2018

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer <b>HARVARD UNIVERSITY</b>	b. Tel. No. <b>617 495 2784</b>
	c. Cell No.
	f. Fax No. <b>617 496 3998</b>
d. Address (Street, city, state, and ZIP code) <b>124 MT. AUBURN ST. Suite 480 South Cambridge, MA 02138</b>	e. Employer Representative <b>Susannah Scannell Deputy Director, Labor and Employee Relations</b>
	g. e-mail <b>Susannah-scannell@harvard</b>
	h. Number of workers employed <b>5000+</b>
i. Type of Establishment (factory, mine, wholesaler, etc.) <b>UNIVERSITY</b>	j. Identify principal product or service <b>EDUCATION</b>
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (2) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) <b>On June 29, 2018 Harvard announced outsourcing of a Units work - failure to bargain on impact with affected employees and (UNILATERAL CHANGES of working conditions) local representative</b>	
3. Full name of party filing charge (If labor organization, give full name, including local name and number) <b>(b) (6), (b) (7)(C) - AFSCME 3650</b>	
4a. Address (Street and number, city, state, and ZIP code) <b>(b) (6), (b) (7)(C)</b>	4b. Tel. No.
	4c. Cell No. <b>(b) (6), (b) (7)(C)</b>
	4d. Fax No.
	4e. e-mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) <b>AFSCME, AMERICAN FEDERATION OF STATE, COUNTY &amp; MUNICIPAL EMPLOYEES 3650</b>	
B. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b> <b>HUCTW/AFSCME</b> charge) (Print/type name and title or office, if any)	
Tel. No. <b>(b) (6), (b) (7)(C)</b>	
Office, if any, Cell No.	
Fax No.	
e-mail	
Address <b>(b) (6), (b) (7)(C)</b>	Date <b>June 29, 2018</b>

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 1  
10 Causeway St Fl 6  
Boston, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617) 565-6700  
Fax: (617) 565-6725



Download  
NLRB  
Mobile App

July 5, 2018

(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY  
Case 01-CA-223110

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on July 02, 2018 has been docketed as case number 01-CA-223110. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney GENE M. SWITZER whose telephone number is (857) 317-7804. If this Board agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (857) 317-7802.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



PAUL J. MURPHY  
Acting Regional Director

PJM/rg

cc: JUDITH RIVLIN, OFFICE OF THE GENERAL COUNSEL  
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES  
1101 17TH STREET, NW, SUITE 900  
WASHINGTON, DC 20036

HARVARD UNION OF CLERICAL AND TECHNICAL WORKERS  
AFSMCE, LOCAL 3650  
15 MOUNT AUBURN STREET  
CAMBRIDGE, MA 02138-6030





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 1  
10 Causeway St Fl 6  
Boston, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617) 565-6700  
Fax: (617) 565-6725



Download  
NLRB  
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July 5, 2018

SUSANNAH SCANNELL  
DEPUTY DIRECTOR, LABOR AND EMPLOYEE RELATIONS  
HARVARD UNIVERSITY  
124 MOUNT AUBURN STREET, 480 SOUTH  
CAMBRIDGE, MA 02138

Re: HARVARD UNIVERSITY  
Case 01-CA-223110

Dear Ms. Scannell:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney GENE M. SWITZER whose telephone number is (857) 317-7804. If this Board agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (857) 317-7802.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Paul J. Murphy". The signature is fluid and cursive, with the first name "Paul" and last name "Murphy" clearly distinguishable.

PAUL J. MURPHY  
Acting Regional Director

PJM/rg

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: PAUL R. CURRAN  
DIRECTOR OF LABOR AND EMPLOYEE RELATIONS  
HARVARD UNIVERSITY  
124 MOUNT AUBURN STREET, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138-5813

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL  
1350 MASSACHUSETTS AVENUE, SUITE 980  
SMITH CAMPUS CENTER  
CAMBRIDGE, MA 02138-3846

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

01-CA-223110

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**HARVARD UNIVERSITY**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

**Case 01-CA-223110**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 3, 2018, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

SUSANNAH SCANNELL, DEPUTY DIRECTOR, LABOR RELATIONS  
HARVARD UNIVERSITY  
124 MOUNT AUBURN STREET, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138

PAUL R. CURRAN, DIRECTOR OF LABOR AND EMPLOYEE RELATIONS  
HARVARD UNIVERSITY  
124 MOUNT AUBURN STREET, SUITE 480 SOUTH  
CAMBRIDGE, MA 02138-5813

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY  
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL  
1350 MASSACHUSETTS AVENUE, SUITE 980  
SMITH CAMPUS CENTER  
CAMBRIDGE, MA 02138-3846

July 5, 2018

Date

Robert Gaffney, Designated Agent of NLRB

Name

/s/ Robert Gaffney

Signature

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Harvard University

and

(b) (6), (b) (7)(C)

CASE 01-CA-223110

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

Employer, Harvard University

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Elizabeth P. Seaman

MAILING ADDRESS: Harvard University, Office of the General Counsel, 1350 Massachusetts Avenue,  
Richard A. and Susan F. Smith Campus Center, Suite 980, Cambridge, MA 02138

E-MAIL ADDRESS: elizabeth\_seaman@harvard.edu

OFFICE TELEPHONE NUMBER: 617-496-2791

CELL PHONE NUMBER: 617-251-5629 FAX: 617-495-5079

SIGNATURE: 

DATE: 7/10/18

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 1  
10 Causeway St Fl 6  
Boston, MA 02222-1001

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

September 28, 2018

Elizabeth P. Seaman, University Atty.  
Harvard University  
Office of the General Counsel  
1350 Massachusetts Ave Ste 980  
Smith Campus Center, Suite 980  
Cambridge, MA 02138-3846

Re: HARVARD UNIVERSITY  
Case 01-CA-223110

Dear Ms. Seaman:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Paul J. Murphy  
Acting Regional Director

By: *Laura A. Sacks*  
Laura A. Sacks

cc:

(b) (6), (b) (7)(C)

Harvard Union of Clerical and Technical  
Workers/AFSMCE, LOCAL 3650

(b) (6), (b) (7)(C)

Susannah (Polly) Scannell, Deputy  
Director, Labor & Employee Relations  
Paul R. Curran, Director of Labor &  
Employee Relations  
Harvard University  
124 Mount Auburn Street, 480 South  
Cambridge, MA 02138